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Attorneys for Plaintiff TIMOTHY A. SAUER

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

TIMOTHY A. SAUER, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

CHASE BANK USA, N.A., and
DOES 1-20,

Defendants.

) Case No. CV-09-0809 (BZ)

) **CLASS ACTION**

) **STIPULATION TO STAY PROCEEDINGS**

) Action filed: February 25, 2009

) Trial Date: None set

) Judge: Hon. Bernard Zimmerman

1
2 WHEREAS, on February 25, 2009, plaintiff Timothy A. Sauer ("Plaintiff") filed the Class
3 Action Complaint (the "Complaint");

4 WHEREAS, multiple similar class actions are currently pending in this District and in other
5 federal district courts around the country and a Motion for Transfer and Coordination pursuant to
6 28 U.S.C. § 1407 (the "MDL Motion") has been filed with the Judicial Panel on Multidistrict
7 Litigation (the "JPML") and docketed as In Re: Chase Bank USA, N.A., "Check Loan" Contract
8 Litigation, MDL No. 2032;

9 WHEREAS, responses to the MDL Motion are due by March 16, 2009; any reply is due by
10 March 23, 2009 and the JPML will thereafter schedule a hearing date;

11 WHEREAS, in light of the foregoing, the parties have agreed to a stay of all proceedings in
12 this case pending the ruling on the MDL Motion;

13 WHEREAS, such a stay of proceedings in this case (and in other similar cases) pending the
14 decision of the JPML is within the discretion of the Court. See, e.g., Republic of Venezuela v.
15 Philip Morris Cos., Inc., 1999 WL 33911677 (S.D. Fla. Apr. 28, 1999) (holding district court has
16 "inherent power" to stay proceedings pending decision by JPML on transfer motion);

17 WHEREAS, the parties have not previously submitted any stipulations in this action; and

18 WHEREAS, this Stipulation is made in good faith and not for purposes of delay.

19 IT IS HEREBY STIPULATED, by and between the parties, through their respective
20 counsel of record, that all proceedings in this case before this Court, including but not limited to
21 any deadlines for Chase to respond to the Complaint, be stayed until such time as the JPML rules
22 on the MDL Motion.

1 Plaintiff reserves the right to move to vacate the stay, in which case Chase shall have ten (10) days
2 from the date of entry of an order lifting the stay in which to file an answer or otherwise respond to
3 the Complaint.

4 IT IS SO STIPULATED.

5 Dated: March 16, 2009

STROOCK & STROOCK & LAVAN LLP
JULIA B. STRICKLAND
STEPHEN J. NEWMAN
DAVID W. MOON
A. R. KACHADOORIAN

9 By: /s/ A.R. Kachadoorian
A.R. Kachadoorian

11 Attorneys for Defendants
CHASE BANK USA, N.A. and
JPMORGAN CHASE & CO.

14 Dated: March __, 2009

JAMES C. STURDEVANT
MONIQUE OLIVER
WHITNEY HUSTON

18 By: _____

20 Attorneys for Plaintiff
Timothy A. Sauer

1 Plaintiff reserves the right to move to vacate the stay, in which case Chase shall have ten (10) days
2 from the date of entry of an order lifting the stay in which to file an answer or otherwise respond to
3 the Complaint.

4 IT IS SO STIPULATED.

5 Dated: March __, 2009

STROOCK & STROOCK & LAVAN LLP
JULIA B. STRICKLAND
STEPHEN J. NEWMAN
DAVID W. MOON
A. R. KACHADOORIAN

9 By: _____

11 Attorneys for Defendants
12 CHASE BANK USA, N.A. and
13 JPMORGAN CHASE & CO.

15 Dated: March 3, 2009

THE STURDEVANT LAW FIRM
A Professional Corporation
DONOVAN SEARLES, LLC

19 By:  _____

WHITNEY HUSTON

21 Attorneys for Plaintiff
22 Timothy A. Sauer


ORDER

IT IS HEREBY ORDERED, pursuant to the Stipulation between the parties, that:

all proceedings in this case before this Court, including but not limited to any deadlines for Chase to respond to the Complaint, be stayed until such time as the JPML rules on the MDL Motion. Plaintiff hereby is granted leave to move to vacate the stay, in which case Chase shall have ten (10) days from the date of entry of an order lifting the stay in which to file an answer or otherwise respond to the Complaint. **If the case is not transferred by June 1, 2009, the parties shall file a joint status report.**

IT IS SO ORDERED.

DATED: March 16, 2009


The Honorable Bernard Zimmerman
United States District Judge

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